

April 22, 2022

VIA ECF

The Honorable George B. Daniels
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

The Honorable Sarah Netburn
United States Magistrate Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: ***In re Terrorist Attacks on September 11, 2001***, No. 03-md-1570 (GBD) (SN)
Havlish, et al., v. Bin-Laden, et al., No. 03-cv-9848 (GBD) (SN)
Letter Regarding Motion of “Peaceful Tomorrows” for Leave to File Amicus Brief

Dear Judges Daniels and Netburn:

On behalf of Judgment Creditors Fiona Havlish, *et al.* (the “Havlish Creditors”), we write to clarify an inaccuracy contained in Peaceful Tomorrows’ motion for leave to file an amicus brief. *See* Dkt. 7899. The motion stated that “Plaintiff Fiona Havlish[] does not object to the filing of the annexed brief.” *Id.* at 1. However, neither Fiona Havlish, the undersigned, nor any other counsel currently representing the Havlish Creditors spoke with Peaceful Tomorrows’ counsel concerning the proposed amicus curiae brief before they filed it with the Court. After raising this issue with Peaceful Tomorrows’ counsel at Baker & McKenzie LLP, we were informed that they had spoken with an attorney named Don Howarth, who purported to consent to the filing of the amicus brief. However, Mr. Howarth has not represented the Havlish Creditors in many years and is not authorized to provide consent on their behalf in this turnover proceeding. We have told counsel for Peaceful Tomorrows—and now wish to clarify for the Court—that the Havlish Creditors take no position on Peaceful Tomorrows’ motion for leave to file a brief as amicus curiae.

In addition, we note that by our count, 17 of the 44 members of Peaceful Tomorrows (<https://peacefultomorrows.org/members/>) are actually parties in this MDL in their individual capacities. Indeed, many are poised to participate in the framework agreement governing the distribution of funds that has now been agreed by the entirety of the 9/11 MDL community (except for the *Ashton* plaintiffs) in the event the Court grants turnover. *See* Dkt. 7790. We raise this issue only for the Court’s awareness.

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Respectfully submitted,

/s/ Lee Wolosky

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cc: All counsel of record (by ECF)